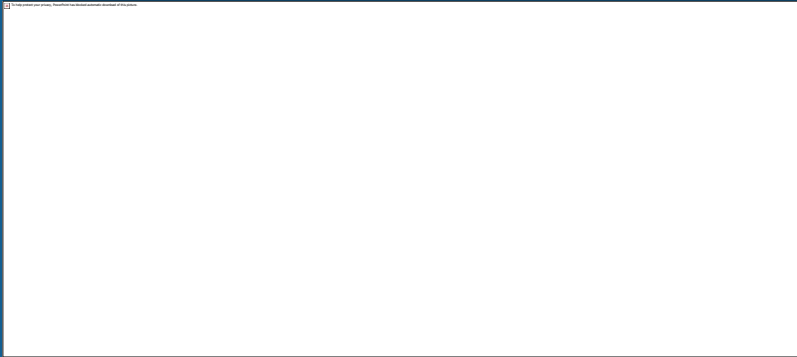


BUILD AMERICA  
BUY AMERICA



MATERIALS  
MANAGEMENT  
DIVISION

# WHAT IS BUILD AMERICA BUY AMERICA(BABA)

**Requirements under the Infrastructure Investment and Jobs Act (IIJA) / Bipartisan Infrastructure Law (BIL) (Pub. Law 117-58, Nov. 15, 2021), Sec. 70914**

Title 2 of the Code of Federal Regulation (2 CFR) part 200.322 states that Federal Agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in 2 CFR part 184. Articles, materials, and supplies are classified into one of the following categories:

- **Iron or Steel products;**
- **Manufactured products;**
- **Construction materials; or**
- **Section 70917(c) materials.**

# BABA SIMPLIFIED

## Iron/Steel

Continue using current QA acceptance requirements. Stamped MTRs/BOIs and certifications as required.

**No Change**

## Manufactured Products

Continue using current QA acceptance requirements.

**General applicability waiver  
(Ending soon)**

## Construction Materials

- Non-Ferrous Metals
- Plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables)
- Glass (including optic glass)
- Fiber optic cable (including drop cable)
- Optical fiber
- Lumber
- Engineering wood; and
- Drywall

**Proof of BABA Compliance Required**

# SECTION 70917(C) MATERIALS

Shall not include cement and cementitious materials, aggregates such as stone, sand or gravel, or aggregate binding agents or additives. 2 CFR part 184 clarifies that:

- Section 70917(c) materials, on their own, are not manufactured products.
- Section 70917(c) materials should not be considered manufactured products when they are used at or combined proximate to the worksite (for example, wet concrete or hot mix asphalt brought to the worksite)
- Section 70917(c) materials (such as stone, sand, and gravel) may be used to produce a manufactured product, such as the case with precast concrete.

# WAIVERS

## De Minimis Cost and Small Grants

- Applies to projects advertised on or after August 16, 2023
- Waives BABA requirements for 5% of the award, up to \$1 million except iron and steel which maintains exemption for \$2500.00 or 0.1 % of award whichever is greater
- Waives BABA requirements of awards of less than \$500,000.00

# WHAT'S NEXT

- Finalize OMT Materials Categorization List
- Enhancements to the Material Management System.
- Updates for Material Clearance Requirements.
- Updates for the Qualified Product Lists.

# BUILD AMERICA, BUY AMERICA

## Notes:

1. FHWA general applicability waiver for manufactured products is still in effect. Re-evaluation underway by FHWA. **Ending soon**
2. FHWA Buy America 23USC 313 and 23CFR635.410 requirements for Iron and Steel remain in effect.
3. BABA does not apply to temporary materials.
4. Since state-only funded projects are not held to BABA requirements, no products will be removed from any QPL.

# Helpful Links

[Made in America | US Department of Transportation](#)

[Buy America - Construction Program Guide - Contract Administration - Construction - Federal Highway Administration \(dot.gov\)](#)

THANK YOU!

Several white lines of varying lengths and angles are positioned in the bottom right corner of the slide, creating a modern, abstract graphic element.